

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



February 10, 2011

Allison Prince
Goulston & Storrs
2001 K Street, NW, 11th Floor
Washington, DC 20001

Re: 318 Eye Street, NE: Confirmation of Matter-of-Right Zoning Parameters

Dear Ms. Prince:

Per our meeting on January 21, 2011, I would like to memorialize our discussion regarding 318 I Street, NE (Square 775, Lot 50) ("Property"). The Property is located in the C-2-B Zone District and is approximately 28,311 square feet in size. It is currently subject to a Planned Unit Development ("PUD") that was approved by the Zoning Commission in Case No. 05-15 and 05-15A. The approvals granted by these cases were extended until May 16, 2012, pursuant to Zoning Commission Order No. 05-15B. Nevertheless, I understand your client would like to pursue a matter-of-right residential development on the Property. Notwithstanding the PUD recorded against the Property, which will need to be extinguished before the Property can be developed as a matter-of-right, I am confirming that the following would otherwise be permitted as a matter-of-right under the C-2-B zoning classification for the Property.

Use

Your client is proposing to develop the Property with approximately 140 residential units. Multi-family uses are permitted in the C-2-B Zone District pursuant to Sections 350.4(c) and 721.1 of the Zoning Regulations. Because your client is proposing a residential project with more than 10 residential units in the C-2-B Zone District, it will be subject to inclusionary zoning. The inclusionary zoning requirement is discussed in further detail below.

Height

The proposed building will be no taller than 70 feet, which is consistent with the maximum height permitted at this site. Section 770.1 of the Zoning Regulations permits a maximum height of 65 feet in the C-2-B Zone District. Section 2604.2 of the Zoning Regulations; however, permit a maximum height of 70 feet in the C-2-B Zone District if the development provides affordable housing in compliance with the inclusionary zoning program.

Floor Area Ratio

The development consists of approximately 113,735 square feet of gross floor area, or a 4.0 floor area ratio ("FAR"). Up to 99,088.5 square feet of residential development is permitted as a matter-of-right pursuant to Section 771.2. Section 2604.1, however, provides bonus density for residential projects of up to 20% more gross floor area so long as they are consistent with the

inclusionary zoning program. A residential project at this site allows for a maximum density of 4.2 FAR, or 118,906.2 square feet of gross floor area. Accordingly, the proposed 4.0 FAR is permitted as a matter-of-right if the development is consistent with Chapter 26 of the Zoning Regulations.

Lot Occupancy

Section 772.1 permits a maximum lot occupancy of 80% for residential developments in the C-2-B Zone District. So long as the lot occupancy does not exceed 80%, it will be in compliance with the Zoning Regulations.

Rear Yard

The project, as shown on the attached site plan, meets the rear yard requirements as defined in Section 774.1 of the Zoning Regulations. The rear lot line is irregularly configured. In these situations, the Zoning Regulations allow the depth of rear yard to be calculated based upon the "mean horizontal distance between the rear line of a building and the rear lot line." See 11 DCMR Section 199.1. In this case, the required rear yard is an area of 2,138.7 square feet and your client is proposing a rear yard with an area of 5,309.5 square feet, which exceeds the dimensions of the required rear yard. Further, the average rear yard setback in this case is 37.23 feet, where only 15 feet is required. Accordingly, the rear yard, as shown on the attached plan is fully compliant with Section 774.1.

Side Yard

No side yards are required in the C-2-B Zone District under Section 775.5 of the Zoning Regulations. No side yards are being proposed with the project, which is permitted in the C-2-B Zone District.

Courtyard

Section 776.3 of the Zoning Regulations requires a minimum width of 23.3 feet for any open courts provided on-site. The minimum width of the proposed courtyard is 33.1 feet and complies with Section 776 of the Zoning Regulations.

Parking and Loading

Section 2101.1 requires a minimum of 46 vehicle parking spaces and 2 bicycle parking spaces to be included in this project. Your client is proposing to include approximately 139 vehicle parking spaces and approximately 15 bicycle parking spaces. The ramps to the parking garages will have a grade of 16%, which is not prohibited under the Zoning Regulations. The threshold parking requirements under the Zoning Regulations are therefore fulfilled.

Section 2201.1 requires one 55 foot loading berth, one 200 square foot loading platform and one 20 foot service and delivery space. This project will include one 63 foot berth, one 329 square foot loading platform, and one 29 foot service and delivery space. The threshold loading requirements under the Zoning Regulations are therefore fulfilled.

Inclusionary Zoning

Residential projects in the C-2-B Zone District with more than ten units, such as this project, are subject to Chapter 26 of the Zoning Regulations. This project must dedicate the greater of 8% of the residential gross floor area or 50% of the bonus density utilized to

inclusionary units. In this case, 8% of the matter-of-right residential gross floor area is the greater number by approximately 600 square feet. Accordingly, at least 7,927 square feet of affordable housing must be included in the project. The affordable units must be made available to households with an annual income between 51% and 80% of the Area Median Income. In exchange for providing the affordable housing, the project can benefit from an additional 5 feet of height and up to 19,817.7 square feet of additional density.

Conclusion

To the extent addressed in this letter, the proposed residential development for 318 I Street, NE is consistent with the requirements set forth in Title 11 of the District of Columbia Municipal Regulations.

Sincerely,


Matthew Le Grant
Zoning Administrator

File: Determination Ltr re 318 I ST NE to Prince 2-10-2011